

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

395/45

U.S. APPLICATION NO. (if known) 37 CFR 1.5)  
To be assigned **10/589315**

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.

PCT/US05/18412

INTERNATIONAL FILING DATE

23 May 2005

PRIORITY DATE CLAIMED:

3 December 2004

TITLE OF INVENTION

**THERAMUTEIN MODULATORS**

APPLICANT(S) FOR DO/EO/US

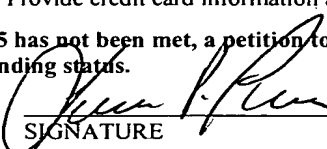
Gerard M. HOUSEY

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification and marked up version thereof.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13<sup>ter</sup>.2 and 37 CFR 1.821 - 1.825.
18. ☐ A copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: copy of Article 34 Amendment and Replacement Sheets as filed on February 6, 2006.

|  |              |   |  |                                    |                  |
|--|--------------|---|--|------------------------------------|------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>To be assigned</b>   |              | INTERNATIONAL APPLICATION NO.<br>PCT/US05/18412                               |  | ATTORNEY'S DOCKET NUMBER<br>395/45 |                  |
| The following fees are submitted:  |              |   |  |                                    |                  |
| 21. <input type="checkbox"/> Basic National Fee .....  |              |   |  | \$ 300.00                          | \$ 300.00        |
| 22. <input type="checkbox"/> Examination Fee   |              |   |  |                                    |                  |
| —If International preliminary exam report prepared by USPTO and all claims satisfy provisions of PCT Article 33/(1)(4).....  |              |   |  | \$ 100.00                          |                  |
| —All other situations.....   |              |   |  | \$ 200.00                          | \$100.00         |
| 23. <input type="checkbox"/> Search Fee  |              |   |  |                                    |                  |
| —Search Fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as ISA.....   |              |   |  | \$ 100.00                          |                  |
| —International Search Report prepared and provided to the Office.....  |              |   |  | \$ 400.00                          |                  |
| —All other situations.....   |              |   |  | \$ 500.00                          | \$100.00         |
| <b>TOTAL OF (21), (22), &amp; (23) =</b>   |              |   |  |                                    | <b>\$500.00</b>  |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. |              |   |  |                                    |                  |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE   |                                    |                  |
| 127  | 27/50=       | 1   | x \$250  | \$250.00                           |                  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |   |  | \$                                 |                  |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA  | RATE   |                                    |                  |
| Total Claims   | 64 - 20 =    | 15  | x \$50.00  | \$750.00                           |                  |
| Independent Claims   | 5 - 3 =      | 2   | x \$200.00   | \$400.00                           |                  |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |   | + \$360.00   | \$360.00                           |                  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |   |  |                                    | <b>\$2260.00</b> |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |   |  |                                    |                  |
| <b>SUBTOTAL =</b>  |              |   |  |                                    | <b>\$1130.00</b> |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |   |  | \$                                 |                  |
| <b>TOTAL NATIONAL FEE =</b>  |              |   |  |                                    | <b>\$1130.00</b> |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet. \$40.00 per property.  |              |   |  | \$                                 |                  |
| <b>TOTAL FEES ENCLOSED =</b>   |              |   |  |                                    | <b>\$1130.00</b> |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.   |              |   |  | Amount to be refunded:             | \$               |
| b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>11-0600</u> in the amount of \$1435.00 to cover the above fees. A duplicate of this sheet is enclosed.  |              |   |  | Amount to be charged               | \$1130.00        |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-0600</u> . A duplicate copy of this sheet is enclosed.                            |              |   |  |                                    |                  |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.               |              |   |  |                                    |                  |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.   |              |   |  |                                    |                  |
| SEND ALL CORRESPONDENCE TO:<br>KENYON & KENYON LLP<br>One Broadway<br>New York, New York 10004<br>CUSTOMER NO. 26646   |              |   | <br>SIGNATURE<br>Lawrence P. Casson (Reg. No. 46,606 )<br>NAME<br><u>Feb. 21, 2006</u><br>DATE |                                    |                  |

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